

THE STATE OF TENNESSEE DEPARTMENT OF PERSONNEL

in partnership with

THE NASHVILLE BAR ASSOCIATION

2006 Government Counsel CLE Series

Designed to meet the continuing legal education needs of government counsel

You want QUALITY CLE?
You've come to the right place!

REGISTRATION FORM

Please check your registration choice(s) - package or individual seminars.. Your agency will be billed by journal voucher for the cost. Follow your agency standard approval process for in-service training. Changing attorney registration option to and from "Special Seminar Package" and "Individual Seminar(s)" will not be accepted after the August 18th registration deadline.

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Must be recent \$468 Sept. 22	EMINAR PACKAGE ived by August 18, 2006 Seminar Package (15 Hours CLE) Government Practice 6.0 Hours CLE Ethics and Professionalism 3.0 Hours CLE (E & P)		\$210 Sept. 22 \$105 Nov. 30	Register b Ethics and 3.0 Ho	ent Practice ours CLE by Septem I Profession ours CLE (E	nber 18, 2 nalism E & P) ber 27, 20	006
not include C special semin	kage is for the two (2) major seminars place LE Video Programs or Special Sen ar rate.) E-mail reminders with course hours before each CLE takes place.	ninaı	s offered	by the Nas	hville Bar	Associatio	n at a
being offered in to begin registe	This year, the six hour Government Prace August. However, attorneys, especially the ering for and attending seminars in Augussist you in meeting your required 15 has seminars!	ose re Just a	egistering for nd Septemb	the special se er. This will	eminar packa enhance yo	age, are enco ur overall ch	ouraged noice in
	E-mail Add		:				
Budget Coc	le: Cost Center	:					

Mail or Fax Registration to:
Sharon Buwalda
TN Department of Personnel
Ist Floor, James K. Polk Building
Nashville, Tennessee 37243-0635

Phone: 615.741.5622 Fax: 615.532.0728 e-mail: sharon.buwalda@state.tn.us

BPR#: _____ Change of Address Noted:

Also forward a copy of your registration form to your agency training coordinator. Cancellations cannot be accepted after the registration deadline.

2006 GOVERNMENT COUNSEL CLE SERIES GOVERNMENT PRACTICE

SHERATON NASHVILLE DOWNTOWN 623 UNION STREET – BALLROOM SEPTEMBER 22, 2006

REGISTRATION: 7:30 – 8:00 A.M.

PARKING: SHERATON - (PARKING FEES NOT INCLUDED IN REGISTRATION)

NOTE: SEMINAR PARTICIPANTS RECEIVE A PARKING DISCOUNT: \$10.00 SELF-PARKING; \$14.00 VALET PARKING. WHEN YOU CHECK-OUT, STATE THAT YOU ATTENDED THE NBA SEMINAR.

NOTE: Ballroom temperatures are regulated in relation to the size of the room, the number of participants, and the need to keep us alert. Please bring a sweater or jacket JUST IN CASE you are too cold or too hot.

8:00 A.M. - 8:15 A.M. WELCOME

8:15 A.M. - 9:15 A.M. CAN I GET A WITNESS?

STATE EMPLOYEE WITNESSES: PROCEDURES, POLICIES, AND PROBLEMS WITH

EMPLOYEE SUBPOENAS & TESTIMONY

Any attorney who is involved with administrative hearings or has held the hand of a state witness understands the problems that can result from a scared and uninformed witness. Starting with the issuance of a subpoena, we review the complaints and discuss ways to produce effective testimony from a state employee.

The Scary Part..... Testimony at Hearings

- a. Agency as a Party
- b. Non-party Agency
- ◆ "Rehab".. Emerging Unscathed
- ♦ The Almighty Subpoena... Oh! The Excuses We Have Heard or "Can't you just SQUASH that Subpoena?"
- ♦ The Agency Witness... Effective Preparation of the Witness.

THE PANEL:

LARRY TEAGUE HONORABLE MARION WALL

DEPUTY ATTORNEY GENERAL, REAL PROPERTY DIVISION

ADMINISTRATIVE PROCEDURES DIVISION

ADMINISTRATIVE PROCEDURES DIVISION

To be Announced

VIDEO PRODUCTION BY:

REX BIVENS

TENNESSEE DEPARTMENT OF TRANSPORTATION

SESSION WRITERS:

MARK CHERPACK CATHERINE CASTER

DEPARTMENT OF FINANCE AND ADMINISTRATION

DEPARTMENT OF TRANSPORTATION

SESSION PRODUCERS:

CATHERINE CASTER BRIAN CARROLL

DEPARTMENT OF TRANSPORTATION DEPARTMENT OF TRANSPORTATION

9:15 A.M. - 10:15 A.M. MEDIATION AND SETTLEMENTS

This session will analyze the hard questions about mediation and alternative dispute resolution.

- How does mediation work in a contested case?
- Am I stuck with the decision of the mediator?
- What are the advantages and disadvantages of using a mediator?
- Why aren't more departments using mediation when they have a problem?
- What are the limits of mediation?
- What types of cases are suitable for mediation and which are not?

FACULTY:

HONORABLE LYNN ENGLAND

Administrative Judge, Secretary of State

HONORABLE JOYCE SAFLEY

Administrative Judge, Secretary of State

PRODUCER:

Patricia Clark

ASSISTANT COMMISSIONER, DEPARTMENT OF AGRICULTURE

10:15 A.M. **- 10:30** A.M. Break

10:30 A.M. - 11:30 A.M. DREAMING THE IMPOSSIBLE DREAM....

AVOIDING LIABILITY IN EMPLOYEE LAWSUITS

The Civil Service System from Beginning to End, Employee Discipline, Obscure Personnel Statutes in the TCA and an Employment Law Update

If you've never been involved in the discipline of employees at your agency (or if you're at the AG's Office) you may not be aware of the intricacies of the Civil Service system. But if you've worked your way through the maze of dress codes, drug use, and break times, then you have some idea of the day to day problems confronting the government attorney.

- 1 When Faced with the Worst... Do I Have to Give the First? Progressive Disciplinary System.
- 2 Following Procedures, Documenting Your Case, Having Your Disciplinary Action Upheld.
- 3 Your Last Chance to "Right the Wrongs": The Step IV Grievance Hearing.
- 4 Creative Ways to Mediate Your Case Before Trial.
- 5 Little Known Facts.
- 6 What's New in Employment Lawsuits?

FACULTY:

KATHERINE KNIGHT ZACK GRIFFITH

DEPARTMENT OF TRANSPORTATION

Department of Mental Health & Developmental Disabilities

PRODUCERS:

PHYLLIS CHILDS THERESA DENTON

DEPARTMENT OF AGRICULTURE DEPARTMENT OF TRANSPORTATION

11:30 A.M. – 1:00 P.M. LUNCH (ON YOUR OWN)

1:00 P.M. - 2:00 P.M. AGENCY SPOTLIGHTS

An Overview of Three of the State's Governmental Agencies

THE DEPARTMENTS OF:
GENERAL SERVICES

MENTAL HEALTH & DEVELOPMENTAL DISABILITIES

ENVIRONMENT & CONSERVATION

THE DEPARTMENT OF GENERAL SERVICES:

Thad Watkins, Department of General Services

THE DEPARTMENT OF MENTAL HEALTH & DEVELOPMENTAL DISABILITIES:

Marthagem Whitlock, Executive Director, Office of Policy & Legislation

THE DEPARTMENT OF ENVIRONMENT & CONSERVATION:

Steven Stout, Department of Environment & Conservation

Session Producer:

Martha Davis

OFFICE OF THE ATTORNEY GENERAL AND REPORTER BANKRUPTCY DIVISION

2:00 P.M. – 3:00 P.M. Contested Cases From Beginning to End

THE TITLE SAYS IT ALL

- ♦ Initiation and Pre-Trial Preparation.
- ♦ BOARD HEARINGS.
- ♦ HEARING PROCEDURES.

FACULTY:

LAURIE LEE DOTY

DEPARTMENT OF HEALTH

ROBBIE H. BELL

DIRECTOR OF HEALTH-RELATED BOARDS

HONORABLE MARION WALL

Administrative Judge Secretary of State

ADMINISTRATIVE PROCEDURES DIVISION

PRODUCER:

HONOARABLE MARION WALL

Administrative Judge Secretary of State

Administrative Procedures Division

3:00 p.m. – 3:15 p.m. Break

3:15 p.m. – 4:15 p.m. LEGISLATIVE UPDATE: 2006

THE TENNESSEE WALTZ:

THE DANCE WE'D ALL LIKE TO FORGET

LET THE SUNSHINE IN:

LOCAL GOVERNMENTS WITH S.A.D.D.

LET THE SUNSHINE IN: LOCAL GOVERNMENTS WITH S.A.D.D.

WE DON'T KNOW JACK

AT LEAST DOWNTOWN

New Math for Aging Employees Retirement benefits

Health care issues Do we have you covered?

FACULTY:

Nathan Ridley

BOULT, CUMMINGS, CONNERS & BERRY

PRODUCER:

SAM EDWARDS AARON ROCHELLE

GREATER NASHVILLE REGIONAL COUNCIL

TENNESSEE REGULATORY AUTHORITY

GOVERNMENT LAWYERS COMMITTEE - PROGRAM PLANNERS:

CHRISTY ALLEN, DEPARTMENT OF COMMERCE AND INSURANCE

SUSAN W. BLAIR, NASHVILLE BAR ASSOCIATION

LESLIE BRUCE, DEPARTMENT OF CHILDREN'S SERVICES

BRIAN CARROLL, DEPARTMENT OF TRANSPORTATION

CATHERINE CASTER, DEPARTMENT OF TRANSPORTATION

MARK CHERPACK, OFFICE OF FINANCE AND ADMINISTRATION

PATRICIA CLARK, DEPARTMENT OF AGRICULTURE

PHYLLIS CHILDS, DEPARTMENT OF AGRICULTURE

MARTHA DAVIS, OFFICE OF THE ATTORNEY GENERAL AND REPORTER

THERESA DENTON, DEPARTMENT OF TRANSPORTATION

SAMUEL H. EDWARDS, GREATER NASHVILLE REGIONAL COUNCIL

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KATHERINE KNIGHT, DEPARTMENT OF TRANSPORTATION

ALICE B. LUSTRE, OFFICE OF THE ATTORNEY GENERAL AND REPORTER

HON. MARGARET ROBERTSON, DEPARTMENT OF STATE, ADMINISTRATIVE PROCEDURES DIVISION

AARON ROCHELLE, TENNESSEE REGULATORY AUTHORITY

JOHN SINCLAIR. OFFICE OF THE ATTORNEY GENERAL AND REPORTER

CAROLYN SMITH, OFFICE OF THE ATTORNEY GENERAL AND REPORTER

JONATHAN STEPHENS. DEPARTMENT OF MENTAL HEALTH

HON. MARION P. WALL, DEPARTMENT OF STATE, ADMINISTRATIVE PROCEDURES DIVISION

THADDEUS E. WATKINS, III, DEPARTMENT OF GENERAL SERVICES

ETHICS AND PROFESSIONALISM IN GOVERNMENT PRACTICE

November 30th, 2006
SHERATON DOWNTOWN NASHVILLE – BALLROOM
623 UNION STREET
12:30 p.m. – 1:00 p.m. Registration
1:00–4:20 p.m. Seminar

A COMPLETE AGENDA WILL BE FORWARDED TO YOU SOON.

ADDITIONAL NBA CLE SEMINARS

Upon registering for the Seminar Package (15 hours) or for the individual seminar(s) of September 22nd and November 30th, you will be sent the additional seminars available to State Attorneys. Registration for additional seminars will be initiated from the form included in the packet sent to you upon registration for the above seminars or upon request. The courses are offered to Government Attorneys at a discounted rate of \$35 per CLE hour. **Due to availability of materials, walk-ins are not permitted.** All registrations should be received in this office no later than five (5) days before the seminar is to take place. The Cancellation deadline for each seminar is two business days before the seminar. Cancellations after this point will be billed the entire seaminar fee.

VIDEO AND WEB BASED CLE SEMINARS ARE OFFERED OUTSIDE OF THE 15-HOUR PACKAGE. THE FEE FOR VIDEO SEMINARS IS \$73 PER CLE CREDIT HOUR AND FOR WEB-BASED COURSES THE FEE IS \$52 PER CLE CREDIT HOUR.

PRE-APPROVAL FOR ALL CLE COURSES MUST BE OBTAINED THROUGH YOUR TRAINING COORDINATOR.

Special Note: The additional CLE Seminars and Dates are subject to change.